



EUROPEAN COMMISSION

*Brussels, 11.6.2014  
C(2014) 3888 final*

*Dear President,*

*The Commission would like to thank the Hrvatski sabor for its Opinion concerning the Commission's legislative proposal to establish a European Public Prosecutor's Office {COM(2013) 534 final} and the Commission's Communication dated 27 November 2013 on the review of the proposal with regard to the principle of subsidiarity, in accordance with Protocol No. 2 to the Treaties {COM(2013) 851 final}.*

*The Commission appreciates the Hrvatski sabor's general support for the establishment of a European Public Prosecutor's Office and notes its preference for a collegial model. The Council is currently discussing different options for such a collegial model. Equally, with regard to the European Public Prosecutor's Office' competence, several options are being considered during Council negotiations. The Commission is committed to the establishment of the European Public Prosecutor's Office and will seek constructive solutions that make it possible for as many Member States as possible to participate in the establishment of such an office.*

*As part of the special legislative procedure set out in Article 86 TFEU, the European Parliament adopted an interim report on 12 March 2014 generally supporting the setting up of the EPPO but also including a series of recommendations it wishes to see implemented in the negotiations in view of its consent to the legislative proposal. These recommendations will form the basis of the consent procedure between the European Parliament and the Council once the latter has reached agreement on the proposal.*

*With regard to the Communication on the principle of subsidiarity according to Protocol No. 2 to the Treaties, it is the result of an in-depth-review undertaken by the Commission. It addresses all concerns on subsidiarity raised and replies in detail to every single argument forwarded by national Parliaments.*

*Mr Josip LEKO  
President of the Hrvatski sabor  
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*The Commission has undertaken a sound analysis of whether and how existing measures could have been strengthened or alternative measures developed. The information the Commission has used to assess the current situation stems from statistical material provided by Member States and OLAF to case studies and systematic surveys among practitioners. The data and information have been collected for a long time.*

*The information shows that existing mechanisms like fraud prevention, mutual assistance tools, activities of Union bodies and harmonisation of laws have an effect on crimes affecting the Union's financial interests but cannot satisfactorily address the problem, especially in complex or cross-border cases.*

*Regarding the strengthening of judicial cooperation, bilateral contacts on a case-by-case basis cannot address the problem of uneven protection of the Union's financial interests. As the Commission has pointed out, conviction rates of cases referred to the Member State by OLAF are generally low and differ considerably from Member State to Member State.*

*The Commission considers the establishment of a European Public Prosecutor's Office as part of a wider framework of measures taken by the Union to protect its financial interests. The Commission would like to draw the Hrvatski sabor's attention to its "Communication on the protection of the financial interests of the European Union by criminal law and by administrative investigations, an integrated policy to safeguard taxpayers' money", as set out in the document COM (2011) 293 final and its annexes SEC (2011) 621 final. These documents summarise the measures taken to protect the Union's financial interests and the studies undertaken to this end.*

*The Commission hopes that these clarifications address the concerns raised by the Hrvatski sabor and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*